

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julia E. Novak, Scott R. Presnell, Cindy A. Sprecher, Donald C. Foster, Richard D. Holly, Jane A. Gross, Janet V. Johnston, Andrew J. Nelson, Stacey R. Dillon, Angela K. Hammond
Serial No. : 10/659,684
Filed : September 10, 2003
For : CYTOKINE ZALPHA11 LIGAND
Confirmation No. : 6041
Examiner : Seharaseyon, J
Art Unit : 1647
Docket No. : 99-16C1
Date : June 18, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

ZymoGenetics, Inc. ("ZGEN"), a corporation of the State of Washington, having a place of business at 1201 Eastlake Avenue East, Seattle, WA 98102, is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 12101, Frame 229 on August 13, 2001.

ZGEN hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent U.S. Patent No. 6,307,024, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer.

ZGEN hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, ZGEN does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior

Terminal Disclaimer

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patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Deborah L. Sawislak June 19, 2007
Signature Date

Signature

Date

Deborah A. Sawislak, Reg. No. 37,438

Typed Name

206-442-6672

Telephone Number

FEE STATUS

The required fee, estimated to be \$65.00, under 37 CFR § 1.20(d), will be paid via the U.S. Patent Office EFS. Please charge any additional fees or credit any overpayment to Deposit Account Number 26-0290.